

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	STEPHENS, Garland	§	Attorney Docket	
		§	Number:	8224.003.NPUS00
Serial No.:	09/655,929	§	Art Unit:	3628
Date Filed:	09-06-2000	§	Conf. No.:	8518
For:	METHOD AND SYSTEM FOR	§	Examiner:	NGUYEN, NGA B
	DETERMINING, CONTRACTING TO	§		(571)272-6796
	EXCHANGE, AND ACCOUNTING FOR	§		
	MATCHED SETS OF OFFSETTING CASH	§		
	FLows	§		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
AND ALTERNATIVELY,
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

BACKGROUND:

The present application was noticed for abandonment on February 10, 2006 for failure to respond to the Office Action dated December 30, 2003. That notice was not received by applicant-inventor, Garland Stephens.

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT:

Response to the Office Action dated December 30, 2003 was dated and mailed April 2, 2004 by applicant-inventor including a request for a two month extension of time, together with a completed credit card authorization form, extending the period for response upto, and including, April 10, 2004, (see Exhibit A).¹ The Response was received by the Office and the extension was charged on or before April 7, 2004; the authorized charge was processed by American Express on April 7, 2004 (see Exhibit B).

¹ A declaration by applicant-inventor is included herewith as Appendix A, supporting the included facts and documents.

On May 14, 2005 a Change of Correspondence Address was mailed to the Office by applicant-inventor, together with a Status Request explaining certain history of the case (see Exhibit C). Included therein, a previously-occurring phone call from the Examiner to applicant-inventor was described in which the Examiner first stated that the Response to the Restriction Requirement of December 30, 2003 was not received by the Office, but then during the call the Examiner located the Response. Since that time, applicant-inventor has been awaiting the next Action at the changed address. Further, in April and June of 2006, Information Disclosure Statements were respectively filed by applicant-inventor in the case.

In July 2007, the undersigned representative was engaged to represent the applicant-inventor on the present case and a review of the file history has revealed the present abandoned status. Responsively, this Request/Petition has been prepared and is submitted, together with the included information and documentation that has been collected.

In view of the above, it is respectfully requested that the holding of abandonment be withdrawn and the case forwarded for substantive examination.

ALTERNATIVELY, PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

In the event that the Office determines that the requirements for withdrawal of the holding of abandonment have not been fully met, it is respectfully requested that the included Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (see Exhibit D) be considered and granted. To that end, the Office is authorized to charge the fee of \$750.00 from the undersigned's deposit account, 14-1437 according to the included Fee Transmittal (see Exhibit E).

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 8224.003.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Office may directly contact the undersigned by phone to further the discussion.

Novak, Druce & Quigg, LLP
1000 Louisiana, Suite 5300
Houston, Texas 77002
(713) 571-3400
(713) 456-2836 (fax)
tracy.druce@novakdruce.com

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy Druce", written in a cursive style.

Tracy W. Druce, Esq.
Reg. No. 35,493

APPENDIX

A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	STEPHENS, Garland	§	Attorney Docket	
		§	Number:	8224.003.NPUS00
Serial No.:	09/655,929	§	Art Unit:	3628
Date Filed:	09-06-2000	§	Conf. No.:	8518
For:	METHOD AND SYSTEM FOR	§	Examiner:	NGUYEN, NGA B
	DETERMINING, CONTRACTING TO	§		(571)272-6796
	EXCHANGE, AND ACCOUNTING FOR	§		
	MATCHED SETS OF OFFSETTING	§		
	CASH FLOWS	§		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

As a below named inventor, I hereby declare that:

The present application was noticed for abandonment on February 10, 2006 for failure to respond to the Office Action dated December 30, 2003. That notice was not received by me.

Response to the Office Action dated December 30, 2003 was dated and mailed April 2, 2004 by applicant-inventor including a request for a two month extension of time extending the period for response upto, and including, April 10, 2004 (see Exhibit A). The Response was received by the Office and the authorized extension was charged on or before April 7, 2004; the charge was processed on my American Express on April 7, 2004 (see Exhibit B).

On May 14, 2005, I mailed a Change of Correspondence Address to the Office, together with a Status Request explaining certain history of the case (see Exhibit C). Included therein, a previously-occurring phone call from the Examiner to me was described in which the Examiner first stated that the Response to the Restriction Requirement of December 30, 2003 was not received by the Office, but then during the call the Examiner located the Response. Since that time, I have been awaiting the next Action at the changed address. Further, in April and June of 2006, I filed Information Disclosure Statements in the case.

In July 2007, I engaged the undersigned representative to represent me in the present case and a review of the file history has revealed the present abandoned status. Responsively, the accompanying Request/Petition has been prepared and submitted without delay, together with the included information and documentation collected.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

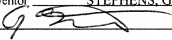
Full name of first or sole inventor STEPHENS, Garland
Inventor's signature  Date 8/15/07
Residence Houston, TEXAS
Citizenship UNITED STATES
Post Office Address 3012 Reba Drive, Houston, TEXAS 77019

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Garland T. STEPHENS, et al.

Application No.: 09/655,929

Group Art Unit: 3628

Filed: September 6, 2000

Examiner: Nga B. Nguyen

For: METHOD AND SYSTEM FOR DETERMINING,
CONTRACTING TO EXCHANGE, AND
ACCOUNTING FOR MATCHED SETS OF CASH
FLOWS

Response to Restriction Requirement And Petition For Extension of Time

Director of the United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

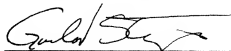
Sir:

By Office Action mailed 12/30/2003, the Examiner required restriction to the claims of group I (claims 1-3 and 12) or group II (claims 4-11 and 13-24). Applicants hereby elect group I.

Applicants further respectfully petition for an extension of time to file the present response pursuant to 27 C.F.R. 1.136(a). Applicants believe that the fee due for such extension is \$475.00 and have included with this mailing a credit card authorization. Should this amount be in error, Applicants authorize any additional amount to be charged to the same credit card.

Respectfully submitted,

Date: April 2, 2004



Garland T. Stephens
117 Varick Street #2R
New York, NY 10013

37,242
(Reg. No.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

United States Patent and Trademark Office
Credit Card Payment Form
 Please Read Instructions before Completing this Form

Credit Card Information

Credit Card Type: ☐ Visa ☐ MasterCard ☒ American Express ☐ Discover

Credit Card Account #: 3721 230136 73009

Credit Card Expiration Date: 11/05

Name as it Appears on Credit Card: Garland T. Stephens

Payment Amount: \$ (US Dollars): 475⁰⁰

Cardholder Signature: *Garland T. Stephens* **Date:** 4/1/04

Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The office will not refund amounts of \$25.00 or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR § 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR § 1.21 (m)).

Credit Card Billing Address

Street Address 1: 117 Varick Street

Street Address 2: Apt. 2R

City: New York

State/Province: NY

Zip/Postal Code: 10013

Country: USA

Daytime Phone #: (212) 310-8976

Fax #: (212) 310-8007

Request and Payment Information

Description of Request and Payment Information:

☒ **Patent Fee**

☐ **Patent Maintenance Fee**

☐ **Trademark Fee**

☐ **Other Fee**

Application No.

09/655,429

Application No.

Application No.

IDON Customer No.

Patent No.

Patent No.

Registration No.

Attorney Docket No.

Identify or Describe Mark

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

EXHIBIT B

DUPLICATE COPY



**Personal Card
Statement of Account**

Prepared For
GARLAND T STEPHENS

Account Number
73009

Closing Date
04/20/04

**105,323
Membership Rewards®
Points Available**

at 02/29/04, when charges due are paid in full and all accounts are in good standing.

Page 1 of 8

Previous Balance \$	Payments/Credits \$	New Charges \$	New Balance \$

**Please Pay By
05/05/04**

Please refer to page 2 for important information regarding your account

Your payment is due in full. Please pay by 05/05/04. Pay your bill online anytime, anywhere at www.americanexpress.com

Contact us at www.americanexpress.com or call Customer Service at 1-800-528-4800.

Return Protection - We'll Take It Back When Others Won't

From time to time, merchants refuse to take back items you purchase at the store or online. That's why it's nice to know if you're dissatisfied with any eligible purchases you made with the Card and the merchant won't take it back, Return Protection can help. Perhaps the item is too big. Maybe you don't like the color. Simply contact us within 90 days from the date of purchase, and American Express will reimburse you for the purchase price up to \$300 per item and up to a maximum of \$1,000 annually per Card Account, excluding shipping and handling. Coverage is subject to additional Terms, Conditions and Exclusions.

Activity

* Indicates posting date

New Activity for GARLAND T STEPHENS

Card XXXXX-XXXXXX-73009

	Amount \$
04/07/04* ELECTRONIC PAYMENT RECEIVED - THAN	
03/21/04	
03/21/04	
03/22/04	

↓ Please fold on the perforation below, detach and return with your payment ↓

Payment Coupon

Account Number
73009

**Please Pay By:
05/05/04**

Continued on Page 3

Please enter account number on all checks and correspondence.

GARLAND T STEPHENS
NO 2R
117 VARICK ST
NEW YORK NY 10013-1422

Total Amount Due

To avoid additional Finance Charges on Purchases, pay New Balance before Payment Due Date.

Note any address and/or telephone number change on reverse side. Unless you check here, this change will apply to all of your Card Accounts except any Corporate Card Accounts you may have.

Mail Payment to:

AMERICAN EXPRESS
P.O. BOX 2855
NEW YORK NY 10116-2855

0000372123013673009 000788964000788964 2044

Page 2 of 8

Payments
P.O. BOX 2855
NEW YORK NY
10116-2855

Providing your email address to American Express will enable you to receive special offers, suited to your needs.

AMERICAN
EXPRESS

Account Number
XXXX-XXXXX6-73009

Closing Date
04/20/04

Page 3 of 8

Amount \$

03/22/04	[REDACTED] CA [REDACTED] [REDACTED]	
03/23/04	[REDACTED] CA [REDACTED] [REDACTED]	
03/23/04	[REDACTED] CA [REDACTED] [REDACTED] [REDACTED]	
03/23/04	[REDACTED] CA [REDACTED] [REDACTED]	
03/24/04	[REDACTED] CA [REDACTED] SERVICE [REDACTED]	
03/24/04	[REDACTED] CA [REDACTED] LAWYER	
03/25/04	[REDACTED] CA Rental: [REDACTED] CA Return: [REDACTED] CA Release: [REDACTED] [REDACTED]	Date 03/25/04 09:00
03/25/04	[REDACTED] COLORADO, CA Arrival Date: [REDACTED] [REDACTED]	[REDACTED]
03/26/04	[REDACTED] NEW YORK, NY [REDACTED] FOODS [REDACTED]	
03/26/04	[REDACTED] NEW YORK, NY [REDACTED]	
03/26/04	[REDACTED] SEATTLE, WA [REDACTED]	
03/26/04	FEDERAL BUREAU OF INVESTIGATION [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
03/28/04	[REDACTED] WA [REDACTED]	
03/28/04	[REDACTED] CA [REDACTED]	
03/28/04	CARMI [REDACTED] 202-242-2005 PO [REDACTED]	
03/30/04	[REDACTED] COLORADO A [REDACTED] [REDACTED]	[REDACTED]
03/30/04	[REDACTED] INDIANA, IN [REDACTED]	
03/31/04	[REDACTED] CA W [REDACTED]	

Continued on reverse

DUPLICATE COPY

Prepared For
GARLAND T STEPHENS

Account Number
XXXX-XXXXX6-73009

Page 4 of 8

New Activity Continued

		Amount \$
03/31/04	<div> <div>Location</div> <div>SEATTLE WA</div> <div>Return: PORTLAND OR</div> <div>Agreement Number: [REDACTED]</div> <div>Renter Name: STEPHENS / GARLAND</div> <div>Reference Number: [REDACTED]</div> </div> <div>Date</div>	
03/31/04	<div> <div>RECTOR [REDACTED] TX</div> <div>WWW [REDACTED]</div> </div>	
03/31/04	<div> <div>AND [REDACTED]</div> <div>RECORD</div> </div>	
04/01/04	<div> <div>NY</div> <div>HEALTH FITNESS CENTER</div> </div>	
04/01/04	<div> <div>NY</div> <div>MVM METROCARD</div> </div>	
04/01/04	<div> <div>LODGING</div> </div>	
04/02/04	<div> <div>NY</div> </div>	
04/03/04	<div> <div>NY</div> </div>	
04/03/04	<div> <div>NY</div> </div>	
04/06/04	<div> <div>NY</div> </div>	
04/07/04	<div> <div>3</div> </div>	
04/07/04	<div> <div>NEW YORK</div> </div>	
04/07/04	<div> <div>US PATENT TRADEMARK 703-305-4631 VA</div> <div>GOVERNMENT SERVICES</div> </div>	475.00
04/08/04	<div> <div>NY</div> </div>	
04/12/04	<div> <div>NY</div> </div>	
04/13/04	<div> <div>NY</div> </div>	
04/15/04	<div> <div>CA</div> </div>	
04/18/04	<div> <div>CA</div> </div>	
04/19/04	<div> <div>CA</div> </div>	
Total of New Activity		<div> <div>New Charges</div> <div>Payments/Credits</div> </div>

EXHIBIT C

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CHANGE OF
CORRESPONDENCE ADDRESS
Application**Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	091655,929
Filing Date	Sept. 6, 2000
First Named Inventor	Stephens, G.
Art Unit	3628
Examiner Name	Nguyen B. Nguyen
Attorney Docket Number	

Please change the Correspondence Address for the above-identified patent application to:

☐ The address associated with
Customer Number:

OR

☒ Firm or
Individual Name Garland Stephens

Address

3012 Reba Drive

City

Houston

State

TX

Zip

77019

Country

USA

Telephone

(713) 546-5044

Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:



Applicant/Inventor



Assignee of record of the entire interest.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).



Attorney or agent of record. Registration Number _____



Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

Garland StephensTyped or Printed
NameGarland Stephens

Date

5/14/05

Telephone

(713) 546-5044

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.



Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Garland T. STEPHENS, et al.

Application No.: 09/655,929

Group Art Unit: 3628

Filed: September 6, 2000

Examiner: Nga B. Nguyen

For: METHOD AND SYSTEM FOR DETERMINING,
CONTRACTING TO EXCHANGE, AND
ACCOUNTING FOR MATCHED SETS OF CASH
FLOWS

STATUS REQUEST

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

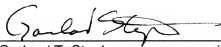
Pursuant to MPEP § 203.08, Applicants request to be advised of the status of the above-identified application. The application was filed September 6, 2000. Applicants received a restriction requirement mailed 12/30/2003, and responded with an election and petition for extension of time on April 2, 2004. The undersigned was charged via credit card for the response and extension fees. A copy of the response to the restriction requirement is included with this status request.

Some months later, the undersigned received a call from the examiner asking why no response to the restriction requirement had been received. After some discussion, the examiner was able to locate the Applicants' response. No further communication has been received.

Applicants respectfully request to be advised of the status of the application.

Respectfully submitted,

Date: May 14, 2005



37,242

Garland T. Stephens
3012 Reba Drive
Houston, TX 77019
(713) 546-5044

(Reg. No.)

EXHIBIT D

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 8224 003.NPUS00
<p>First named inventor: STEPHENS, Garland</p> <p>Application No.: 09/655,929 Art Unit: 3628</p> <p>Filed: September 9, 2000 Examiner: NGUYEN, NGA B.</p> <p>Title: METHOD AND SYSTEM FOR DETERMINING, CONTRACTING TO EXCHANGE, AND ACCOUNTING FOR MATCHED SETS OF OFFSETTING CASH FLOWS</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300</p> <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity-fee \$ <u>750.00</u> (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>Response to Restriction Requirement And Petition for Extension</u> (identify type of reply):</p> <p><input checked="" type="checkbox"/> has been filed previously on <u>or about April 7, 2004</u>.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ _____.</p> <p><input type="checkbox"/> has been paid previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>	

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ /Tracy W. Druce/ Signature	_____ August 15, 2007 Date
_____ Tracy W. Druce Typed or printed name	_____ 35,493 Registration Number, if applicable
_____ 1000 Louisiana Street 53rd Floor Address	_____ 713.571.3400 Telephone Number
_____ Houston, Texas 77002 Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Request for Withdrawal of Holding of Abandonment

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

August 15, 2007

Date

/Tracy W. Druce/

Signature

Tracy W. Druce (electronically filed)

Typed or printed name of person signing certificate

Exhibit C). Included therein, a previously-occurring phone call from the Examiner to applicant-inventor was described in which the Examiner first stated that the Response to the Restriction Requirement of December 30, 2003 was not received by the Office, but then during the call the Examiner located the Response. Since that time, applicant-inventor has been awaiting the next Action at the changed address. Further, in April and June of 2006, Information Disclosure Statements were respectively filed by applicant-inventor in the case.

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¹ A declaration by applicant-inventor is included herewith as Appendix A, supporting the included facts and documents.

EXHIBIT E

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/09/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2007**☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 750.00**Complete if Known**

Application Number	09/655,929
Filing Date	September 9, 2000
First Named Inventor	STEPHENS, Garland
Examiner Name	NGUYEN, NGA B.
Art Unit	3628
Attorney Docket No.	8224.003.NPUS00

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 14-1437 Deposit Account Name: Novak Druce & Quigg, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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_____ - 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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_____ - 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)Other (e.g., late filing surcharge): Petition for Revival of an Application for Patent Abandoned Unintent 750.00**SUBMITTED BY**

Signature	/Tracy W. Druce/	Registration No. (Attorney/Agent)	35,493	Telephone	713.571.3400
Name (Print/Type)	Tracy W. Druce	Date	August 15, 2007		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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